

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

V.

ENCORE SERVICES, LLC, ZACHARY
BROOKE ROBERTS, MARTIN GASPER
MAZZARA, and RICHARD LEE
BROOME

Defendants.

Case No. CR 16-19-GF-BMM

ORDER

The above-named Defendants filed a Motion for an Order to Show Cause as to Why the Chippewa Cree Tribe (CCT) Should Not be Held in Contempt of Court

for Failing to Comply with the Court Ordered Subpoena Duces Tecum on February 28, 2017. (Doc. 156.)

The district court issued the original Subpoena Duces Tecum on November 22, 2016. (Doc. 98.) CCT filed a Motion to Quash Subpoena Duces Tecum on January 16, 2017. (Doc. 118.) The Court conducted hearings on CCT's Motion to Quash Subpoena Duces Tecum on January 18, 2017, and January 25, 2017. (Docs. 131, 135.) After the hearings, the Court ordered Defendants to submit a proposed modified subpoena. (Doc. 136.) Defendants submitted a proposed modified subpoena, and CCT was then given an opportunity to respond to Defendants' proposal. The Court conducted a hearing on the proposed modified subpoena on February 15, 2017. (Doc. 149.) The Court granted CCT's motion in part and denied it in part on February 21, 2017, and ordered Defendants to comply with the modified subpoena. (Doc. 150.) CCT responded to the subpoena by stating that it conducted reasonable searches and did not discover any documents requested in the Subpoena Duces Tecum that it had not already produced to Defendants in a previous civil action. (Doc. 157 at 6.) Defendants then filed the instant motion.

The Court held a hearing on the Motion for an Order to Show Cause on March 29, 2017 (Doc. 206). Following the hearing, the Court ordered Defendants to submit a proposed Order by March 30, 2017. (Doc. 206). Defendants submitted

a proposed Order on March 31, 2017. (Doc. 207.) Having considered the parties' written and oral arguments, the Court issues the following order:

CCT must file an affidavit no later than seven days after the date of the Court's order identifying (1) each person involved in the search for records CCT produced in the prior civil action, (2) what each person searched for, (3) where each person searched, and (4) how much time each person spent searching for the records.

DATED this 3rd day of April 2017.



John Johnston
United States Magistrate Judge